



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/100,223	06/19/1998	DOUGLAS WALTER CONMY	52817.000051	8325

29315 7590 04/15/2003

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
12010 SUNSET HILLS ROAD
SUITE 900
RESTON, VA 20190

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 04/15/2003

35

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/100,223

Applicant(s)

CONMY, DOUGLAS WALTER

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed April 2, 2003.

Claims 1-39 are pending.

Response to Arguments

2. Applicant's arguments filed April 2, 2003 have been fully considered but they are not persuasive.

Applicant argues, "There is nothing in Hotaling or the 'Official Notice' that discloses or suggests what the Applicant is claiming. Specifically the claims address three specific and alternate views...In the event that the Examiner chooses to maintain his rejection of Claim 1, Applicant respectfully requests that the Examiner point to the specific portions of Hotaling and/or to cite specific references that support the Official Notice taken by the Examiner that the missing features would have been obvious to one having ordinary skilled [sic] in the art at the time of the invention." (Page 3 of Applicant's Response) As stated in the art rejection, Hotaling teaches the claimed views; Hotaling merely fails to expressly teach that these claimed views are alternative views. Through the use of Official Notice, the Examiner explained that one of ordinary skill in the art at the time of Applicant's invention would have found it obvious and been motivated to adapt Hotaling to implement its views as alternative views. Applicant is respectfully reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642

Art Unit: 3623

F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is the combination of Hotaling with the Official Notice teaching that the display of filtered data based on a selected viewing option is old and well-known in the art of graphical user interfaces that was used to address the claimed invention. Again, as stated in the art rejection, one of ordinary skill in the art at the time of Applicant's invention would have been motivated to combine these teachings to yield the claimed invention because "[s]uch a capability is commonly utilized to aid a user in focusing on specific subsets of data at a time, thereby making analysis of the data easier than if an excessively large amount of varying data were presented all at once." Furthermore, Applicant's request that the Examiner provide evidence to "support the Official Notice taken by the Examiner that the missing features would have been obvious to one having ordinary skilled [sic] in the art at the time of the invention" (page 3 of Applicant's Response) is not understood. The Examiner took Official Notice "that the display of filtered data based on a selected viewing option is old and well-known in the art of graphical user interfaces" and not that the "missing features would have been obvious to one having ordinary skilled [sic] in the art at the time of the invention" *per se*. This explanation to support the Examiner's motivation to combine references was provided as supplemental analysis to the basic teachings of the references themselves.

Applicant argues, "Additionally, Hotaling does not disclose or suggest a request generating means that *is located remotely from the server locations*." (Page 3 of Applicant's Response) The Examiner respectfully disagrees. Each user is located at a terminal. Upon requesting that a meeting be scheduled among users, an electronic mail

is sent to the other users, presumably at their respective terminals, to confirm attendance (col. 3, lines 4-30). This exemplifies a "request generating means that is located remotely from the server locations."

Applicant argues that there is no motivation to combine the Hotaling and Tognazzini references because "Hotaling discloses a system that allows user's [sic] to schedule meeting while Tognazzini discloses a portable personal calendaring system" (page 4 of Applicant's Response). Both Hotaling and Tognazzini are directed to assisting a user in effectively scheduling events, meetings, etc.; therefore, the Examiner asserts that there is indeed motivation to combine the teachings of the two references.

Applicant's arguments are non-persuasive; therefore, the art rejection is maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-6, 9-12, 15, 16, and 19-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912).

Hotaling discloses a system for scheduling time intervals for a plurality of invitees in a networked environment comprising:

[Claim 1] database means for storing one or more invitee profiles for one or more potential invitees of the system, the one or more invitee profiles comprising user profiles wherein each user profile comprises information regarding available and unavailable times for that user, the database means being located at one or more server locations (Figs. 1-2, 10-12; col. 3, lines 10-27);

request generating means, located remotely from the server locations, for generating a request for allocation of a time interval for the one or more potential invitees (col. 7, line 61 through col. 8, line 13);

busy time determination means for gathering the invitee profiles for the one or more potential invitees and determining whether each of the one or more potential invitees is available during the time interval requested by the request generating means (Figs. 1-2, 10-12; col. 3, lines 10-27; col. 7, line 61 through col. 8, line 13).

Furthermore, as per claim 1, Hotaling teaches a graphical user interface means associated with the request generating means for displaying results from the busy time determination means, the graphical user interface means permitting a user to view a list of the one or more potential invitees that are available, the one or more potential invitees that are not available, and the one or more potential invitees whose schedule could not be found (Fig. 11; col. 9, lines 50-53; col. 10, lines 1-10). Hotaling does not explicitly disclose that a user may select from at least three results viewing options including a viewing option displaying the one or more potential invitees that are available, a viewing option displaying the one or more potential invitees that are not

Art Unit: 3623

available and a viewing option displaying the one or more potential invitees whose schedule could not be found, and then display the results according to the viewing option selected. However, Official Notice is taken that the display of filtered data based on a selected viewing option is old and well-known in the art of graphical user interfaces. Such a capability is commonly utilized to aid a user in focusing on specific subsets of data at a time, thereby making analysis of the data easier than if an excessively large amount of varying data were presented all at once. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to provide a user of Hotaling's scheduling system with the ability to select from at least three results viewing options including a viewing option displaying the one or more potential invitees that are available, a viewing option displaying the one or more potential invitees that are not available and a viewing option displaying the one or more potential invitees whose schedule could not be found, and then display the results according to the viewing option selected in order to facilitate the user's decision regarding an adequate meeting date and time by providing viewing options which present various subsets of availability data in a more organized and more easily interpretable fashion.

[Claim 11] There is no explicit disclosure stating that Hotaling's scheduling system takes into account the user's specific work hours and non-work hours when determining the user's available and unavailable times. However, since users and potential invitees are likely not working during non-work hours, it is important to a meeting coordinator to

Art Unit: 3623

know what the non-work hours of these potential invitees are in order to avoid scheduling a meeting during non-work hours (just as the meeting coordinator tries to schedule meetings around any other times of unavailability). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to take a user's work hours and non-work hours into account when determining the user's available and unavailable times, as part of Hotaling's scheduling system, in order to facilitate the planning of a meeting at a date and time that is amenable to all interested parties.

[Claims 12, 21] Hotaling teaches that the disclosed calendaring system assigns values to one or more characteristics, wherein the calendaring system takes into account the values assigned when determining the user's availability (col. 5, lines 19-34: The attendance of various invitees is identified as critical or non-critical. The schedules of critical invitees directly affect the "scheduling process to optimize a meeting date and time"; therefore, the characteristics of the critical invitees carry a higher value than those associated with a non-critical invitee). Furthermore, Hotaling comprises best fit determining means for determining whether any of the one or more potential invitees are unavailable during the time interval requested by the request generating means and for determining a next best time interval using a weighting function if it is determined that any of the one or more potential invitees are unavailable during the requested time interval (col. 5, lines 19-34: The attendance of various invitees is identified as critical or non-critical. The schedules of critical invitees directly

affect the “scheduling process to optimize a meeting date and time”; therefore, the characteristics of the critical invitees carry a higher value than those associated with a non-critical invitee. In other words, a higher weighting value is inherently associated with the critical invitees than with the non-critical ones).

[Claims 4, 15, 16, 22] Claims 4, 15, 16, and 22 recite limitations already addressed by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies.

[Claims 5, 19, 20, 23] Claims 5, 19, 20, and 23 recite limitations already addressed by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies.

[Claims 6, 9, 10, 24] Claims 6, 9, 10, and 24 recite limitations already addressed by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies.

[Claims 25-32] Claims 25-32 recite limitations already addressed by the rejection of claims 1, 11, 12, and 21 above; therefore, the same rejection applies. Furthermore (as per claims 26-28), while Hotaling displays a list indicating which invitees are free, which are busy, and which for whom no schedule is available during a proposed meeting time (Fig. 11; col. 9, lines 50-53; col. 10, lines 1-10), Hotaling does not expressly teach the display of an accompanying number to quantify the number of invitees that fall into each respective category. However, Official Notice is taken that quantifying the number of people in different categories is old and well-known. This facilitates analysis of characteristics of the different groups of people identified. In this case, such an analysis helps a meeting coordinator decide when most people could

Art Unit: 3623

attend a meeting at a particular date and time. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to display the number of invitees that are either not busy, busy, and which for whom no schedule is available during a proposed meeting time in order to help a meeting coordinator more effectively assess a good meeting date and time for the list of invitees. Also, a head count of which invitees will attend the meeting is useful in letting the meeting coordinator determine which and how many resources will ultimately be needed for the meeting (e.g., conference room size, number of chairs needed, etc.).

[Claims 33-39] Claims 33-39 recite limitations already addressed by the rejection of claims 1, 11, 12, 21, and 25-32 above; therefore, the same rejection applies.

5. Claims 2, 3, 7, 8, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hotaling et al. (U.S. Patent No. 5,124,912), as applied to claims 1 (for claims 2 and 3), 4 (for claims 13 and 14), 5 (for claims 17 and 18), and 6 (for claims 7 and 8) above, in view of Tognazzini (U.S. Patent No. 5,790,974).

[Claims 2, 3] Hotaling does not explicitly take invitee and event location into account in order to determine invitee availability for a particular event; however, Tognazzini makes up for this deficiency. Tognazzini teaches an automated scheduling system which takes into account event location and invitee location in order to determine if the invitee can feasibly attend the event in question (e.g., based on travel time). There may be a periodic real-time check to see where the invitee is presently

located and then if the invitee can arrive at his/her next planned event in time, based on a real-time determination of travel time to the next scheduled event. An alert is provided if the invitee is running late or stuck in traffic and cannot make his/her next scheduled event in time. Also, travel time is taken into account when determining an invitee's ability to attend a future event (column 7, lines 11-66). This consideration of travel time between locations and events helps alleviate any conflicts in scheduling that would otherwise arise due to failure to take into account the reality that travel time is needed to get from one location to another. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Tognazzini's consideration of event location and invitee location, including travel time, when determining invitee availability (as per claims 2 and 3) with Hotaling's scheduling system in order to provide for more accurate and realistic assessment of the availability of all invitees when planning an event. For example, if one of the invitees is listed as available for a meeting at 2 p.m. E.S.T. on a particular day in Washington, D.C., but the invitee is out in San Francisco for a meeting which runs from 12 to 1 p.m. E.S.T. (9 to 10 a.m. P.S.T.), obviously the invitee cannot likely fly back to make the meeting in Washington, D.C. within an hour. The integration of Tognazzini's scheduling features enables Hotaling's invention to take such location considerations into account, thereby resulting in more "intelligent" scheduling decisions being made by Hotaling as part of its scheduling features.

Furthermore, Hotaling discloses profile information for an invitee comprising information regarding the invitee's work hours (Figs. 1-2, 10-12; col. 3, lines 10-27; col.

Art Unit: 3623

7, line 61 through col. 8, line 13); however, Hotaling does not explicitly teach the inclusion of the location where the invitee works in the invitee's profile. In light of the discussion found immediately above, the Hotaling-Tognazzini combination would inherently include information about where the invitee works in the invitee's profile in order to use this location information when appropriate for determining travel time between different event locations.

[Claims 7, 8] Claims 7 and 8 recite limitations already addressed by the rejection of claims 2 and 3 above; therefore, the same rejection applies.

[Claims 13, 14] Claims 13 and 14 recite limitations already addressed by the rejection of claims 2 and 3 above; therefore, the same rejection applies.

[Claims 17, 18] Claims 17 and 18 recite limitations already addressed by the rejection of claims 2 and 3 above; therefore, the same rejection applies.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3623

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Effective May 1, 2003, any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**


or faxed to:

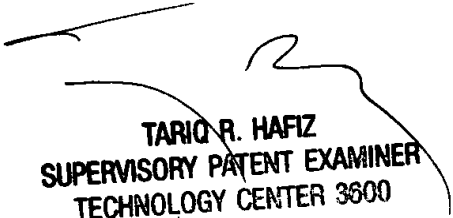
(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Art Unit: 3623

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.


Susanna M. Diaz
Patent Examiner
Art Unit 3623
April 8, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600